IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No.1986 of 2006.
Date of Decision: October 30, 2006.

Smt. Kamaljit Kaur & Ors.

....**Petitioners**

through
Mr. Sandeep Khunger, Advocate

Versus

Beant Singh & Ors.

...**Respondent**
through
Mr. R.C.Gupta, Advocate, for
respondent No.3.

CORAM:

HON'BLE MR. JUSTICE SURYA KANT.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

SURYA KANT,J.(ORAL)

This revision petition is directed against the order dated 11.3.2006 passed by the Motor Accident Claims Tribunal, Fatehgarh Sahib whereby the release of the amount deposited by the Insurance Company, pursuant to the award passed under the Motor Vehicles Act, has been withheld on the ground that the petitioners have failed to furnish the requisite surety, as directed by the Tribunal vide its previous order dated 11.2.2006.

Petitioners No. 1 and 2 are widow and minor daughter of deceased Jaspal Singh whereas petitioners No. 3 and 4 are his parents. Due to the death of said Jaspal Singh in a motor vehicular accident, Motor

Accident Claims Tribunal, Fatehgarh Sahib, vide its award dated 17.8.2005, had awarded a sum of Rs.2,60,000/- along with interest @8% per annum to the petitioners. It is for the release of the aforesaid amount that the petitioners moved an application and the learned Tribunal vide its order dated 11.2.2006 directed that the amount deposited by the Insurance Company shall be disbursed to them subject to their furnishing one personal bond and one surety bond by each of the petitioners to the extent of double of their respective share. The petitioners thereafter submitted sureties and personal bonds which, however, have not been found satisfactory by the learned Tribunal vide its impugned order dated 11.3.2006.

Aggrieved, the petitioners have preferred this revision petition.

Notice of motion was issued to respondent No.3-Insurance Company.

It is stated at the bar by learned counsel for the petitioners that the award passed by the learned Tribunal has attained finality as the same has not been impugned by the Insurance Company and/or driver/owner of the delinquent vehicle. It is further contended that a sum of Rs.3,07,127/- has been deposited by the Insurance Company in terms of the award dated 17.8.2005. According to learned counsel for the petitioners, apart from the personal bonds, the petitioners have furnished the surety bonds which have been executed by one Hakam Singh, who is owner in possession of agricultural land measuring more than three and half Bighas. It is also contended that the Jamabandis produced by the said surety, copies of which have also been appended with this petition, would reveal that the same pertain to a part of the total land owned by the said Hakam Singh, i.e., for land measuring 10 Biswas and the valuation of the said land has also been

assessed by the Naib Tehsildar, Mandi Gobindgarh vide his report dated 17.2.2006 @ Rs.60,000/- per Biswas. In this manner, contends the learned counsel, the property owned by the surety is valuing Rs.6 lacs.

It appears from the impugned order that the petitioners have not been able to clarify as to how much land is owned by Hakam Singh and what is its market value. Consequently, while the impugned order dated 11.3.2006 is set aside, a direction is issued to the Tribunal to reconsider the petitioners' application in the light of the documents, especially Jamabandis produced on record and if the learnedTribunal is satisfied that the said Hakam Singh is owner in possession of the land measuring at least 10 Biswas and the same is free from all encumbrances and its market value is also not less than Rs.60,000/- per Biswas and, thus, the petitioners have furnished the requisite surety, in that event it may issue necessary directions for disbursing the amount of compensation already deposited by the Insurance Company to the petitioners-claimants. Appropriate orders on the application filed by the petitioners shall be passed by the learned Tribunal within 15 days of receipt of certified copy of this order.

Disposed of.

October 30, 2006. **(SURYA KANT)**
dinesh **JUDGE**